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10/073,329	02/13/2002	Peter Kenneth Attwood	19111.0072	4553

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EXAMINER
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TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/073,329

Applicant(s)

ATTWOOD, PETER KENNETH

Examiner

LeChi Truong

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-9 are presented for the examination.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman (Method of Dynamically Appending A Library to an Active Running Program) in view of Arai et al (US 6,718,543 B2) and further in view of Hoover et al (Us. Patent 5,560,005).

3. As to claim 1, Zimmerman teaches the invention substantially as claimed including: a first data handling application (the application program, para [0005], ln 3-7 to para [0005], ln 7-10), a second data handling application (the dynamic library, para [0005], ln 3-7 to para [0005], ln 7-10), call routine (a function call, para [0005], ln 7-10), at least one call routine which is executed when the second data handling application is operated (para [0001], ln 8-12), a software routine (call library routine to perform functions, para[0001], ln 1-8), determining the presence of the second data handling application and, if it is present generating a link to a software routine( The static library 30 passes application calls through to a found DLL. The DLL, in contrast, actually implements all of the API calls of the application, para [0021], ln 4-10), If the

DLL is missing or determined to be incorrect version (ie., no supporting DLL is found) 56, the application interface return 64.... At this point, the calling application may ask the user if the updated DLL should be downloaded... download the update DLL from the Web server 14... The application interface 40 then transfers calls directed to a method within the object on the DLL interface 42, which passes the calls on to the updated DLL 32(now DLL 32, once stored on the user's machine, para [0025], ln 1-17/ right col 4, ln 41-49/ para [0045], ln 40-48), which will be executed by the call routine in the second data handling application (para [0001], ln 1-12).

4. Zimmerman does not explicitly teach self-contained data, appending an address for the software routine configured to execute when the at least one call routine for the second, previously installed, utilizing the software routine when executed. However, Arai teaches self-contained data (a single self-contained program, col 1, ln 64-66), appending an address for the software routine configured to execute when the at least one call routine for the second, previously installed, utilizing the software routine when executed (load address from this table for each library routine call, col 2, ln 1-3/ loading the routine's address, which is generally time consuming. Accordingly, routines in shared libraries generally execute, col 1, ln 49-53/ address location for executable code in a copied routine, col 4, ln 1-10/ If the versions of routines needed by a task do not match those which have been copied into existing optimized programs, the system may choose to load the unoptimized application program and call the appropriate shared libraries, col 4, ln 25-30/ if the shared library versions do not match, the loader 101 preferably loads an unoptimized application program that will employ ordinary shared library calls, col 7, ln 52-56/ routines in shared libraries generally execute more slowly than equivalent routines initially incorporated into the application program, col 1, ln 52-54).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Zimmerman with Arai to incorporate the feature of self-contained data, appending an address for the software routine configured to execute when the at least one call routine for the second, previously installed, utilizing the software routine when executed because this provides benefit from the availability of compile time optimization and the need for re-usable library routines to execute rapidly.

6. Zimmerman and Arai do not teach the first self-contained data handling application and the second previously installed, self contained data handling application are operable to execute without the each other. However, Hoover teaches first self-contained data handling application and the second previously installed, self contained data handling application are operable to execute without the each other(a customer's computer system or database, identified as CUST DB1 26a, is functionally and logically connected to a remote database (RDB 1) 28a, which may be (but is not necessarily) implemented as a separate computing entity, col 10, ln 14-18/ allowing computer communications between remote distributed heterogeneous databases such as those maintained by health insurance companies, employers, hospitals, physicians, and other health care industry participants. The present invention fills the need for the rapid and efficient exchange of information between the various entities in the industry to allow for increased efficiencies in patient admission, patient handling, payment transaction handling, insurance claim processing, and the like, col 11, ln 1-10/ Communications between the server computer 40d (comprising the RDB 28a) and the customer databases that are maintained by one or more of the CPU's 40a-40c (comprising the customer database 26a) are communicated on the LAN 47. Accordingly, the API between the customer's database equipment 26 and the RDB's 28 are

passed as data communication packets on the LAN 47, col 12, ln 52-60/ the remote database functions in the RDB computers 28 can be carried out as a separate process on a user computer that normally executes the customer database functions 26. Similarly, in the preferred embodiment, access to the system can be made by a stand-alone computer and modem, Col 13, ln 1-5).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Zimmerman, Ara with Hoover to incorporate the feature of first self-contained data handling application and the second previously installed, self contained data handling application are operable to execute without the each other because this facilitates location and retrieval of data items from one or more of the remote, heterogeneous user databases.

8. As to **claim 2**, Zimmerman teaches source code defining the software routine for automatic implementation by the second data handling application (para [0001], ln 8-12).

9. As to **claim 4**, Zimmerman teaches the call routine is only implemented by the second data handling application under certain predetermined conditions (para [0045], ln 40-50, if the library is present, passing the function call to the library for execution).

10. As to **claims 5, 7-9**, they are apparatus claims of claims 1, 2, 4; therefore, they are rejected for the same reasons as claims 1, 2, 4 above.

11. Claims 3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman (Method of Dynamically Appending A Library to an Active Running Program) in view of Arai

et al (US 6,718,543 B2) in view of Hoover et al (US Patent 5,560,005), as applied to claim 1 above, and further in view of Burns et al (US Patent 6,088,694).

**12. As to claim 3,** Zimmerman, Arai and Hoover do not explicitly teach the software routine controls a data modification operation by the second data handling application in dependence upon data stored in the first data handling application. However, Burns teaches the software routine controls a data modification operation by the second data handling application in dependence upon data stored in the first data handling application (an application user of the computing system 10 issues an SQL Insert, SQL delete, or SQL update call in the database, the DBMS detects that this operation occurs on a column of type datalink, col 9, ln 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Zimmerman, Arai, Hoover with Burns to incorporate the feature of the software routine controls a data modification operation by the second data handling application in dependence upon data stored in the first data handling application because this allows an efficiency managing access and control over data that is linked to a database system.

**13. As to claim 6,** it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 3 above.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

January 14, 2008

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER